

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 620-298

C# M#

HARBERD et al

TC/A.U.

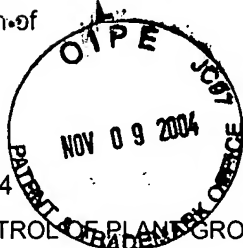
Serial No. 10/809,945

Examiner:

Filed: March 26, 2004

Date: November 9, 2004

Title: GENETIC CONTROL OF PLANT GROWTH AND DEVELOPMENT

1FW  
\$

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO COMPLY**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0 x \$ 88.00	\$ 0.00

If proper multiple dependent claims now added for first time, add \$300.00 (ignore improper)	\$ 0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months)	\$ 0.00
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Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790.00)	\$ 0.00
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<input type="checkbox"/> Please enter the previously unentered, filed	
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<input type="checkbox"/> Submission attached	
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<b>Subtotal</b>	<b>\$ 0.00</b>
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If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 0.00
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<input type="checkbox"/> Applicant claims "small entity" status.	<input type="checkbox"/> Statement filed herewith
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Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$ 0.00
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Assignment Recording Fee (\$40.00)	\$ 0.00
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Other:	0.00
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<b>TOTAL FEE ENCLOSED</b>	<b>\$ 0.00</b>
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tat

NIXON &amp; VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of

HARBERD et al

Atty. Ref.: 620-298; Confirmation No. 6433

Appl. No. 10/809,945

TC/A.U.

Filed: March 26, 2004

Examiner:

For: GENETIC CONTROL OF PLANT GROWTH AND DEVELOPMENT

\* \* \* \* \*

November 9, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO COMPLY**

In response to the Notice to Comply dated September 9, 2004, enclosed herewith is a copy of a Second Preliminary Amendment (including Sequence Listing) filed August 9, 2004 (and postcard receipt evidencing that filing). The Preliminary Amendment is believed to be fully responsive to the points raised in the September 9, 2004 Notice. Accordingly, nothing further is believed necessary and acknowledgement to that effect is requested.

HARBERD et al  
Appl. No. 10/809,945  
November 9, 2004

Respectfully submitted,

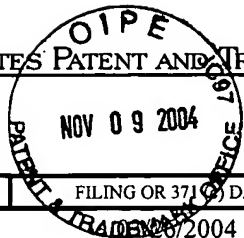
**NIXON & VANDERHYE P.C.**

By: Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/809,945	NOV 09 2004	Nicholas P. Harberd	620-298

CONFIRMATION NO. 6433

23117  
 NIXON & VANDERHYE, PC  
 1100 N GLEBE ROAD  
 8TH FLOOR  
 ARLINGTON, VA 22201-4714

## FORMALITIES LETTER



\*OC000000013756346\*

Date Mailed: 09/09/2004

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Meazg.W  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Serial No.: 10/809,945  
Applicant: HARBERD et al  
Title: GENETIC CONTROL OF  
PLANT GROWTH AND DEVELOPMENT

Atty: MJW  
Date: 8-9-2004  
Client: MELBURN  
Ref: 620-298

☒ Amendment / SECOND PRELIMINARY

☐ Pages Specification

☐ Claims

☐ Sheets Drawings: Formal ☐

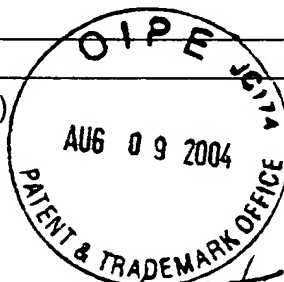
☒ Informal ☐

☒ Declaration (2 Pages)

☐ Assignment

☐ Priority Document

☐ Base Issue Fee Transmittal  
\$ 2096.00 Fee (Check)



Other: Filing Completion Cover sheet, NOTICE TO  
FILE MISSING PARTS, SEQUENCE LISTING,  
ABSTRACT